

Response ID ANON-N7RC-R7KZ-8

Submitted to **Consultation on reforming the UK packaging producer responsibility system**
Submitted on **2019-05-12 14:42:22**

About You

1 What is your name?

Name:
David Newman

2 What is your email address?

Email:
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3 Please provide information about the organisation/business you represent

Which of the following best describes you?:
Business representative organisation/trade body

What is the name of the organisation/business you represent? (If you are responding on behalf of yourself please write 'Individual'):
Bio-Based and Biodegradable Industries Association (BBIA)

What is the approximate number of staff in your organisation? (if applicable):

If you answered 'Other' above, please provide details::

4 Please provide any further information about your organisation or business activities that you think might help us put your answers in context.

Please answer below:
See the narrative sent accompanying this response

5 Would you like your response to be confidential?

No

If you answered 'Yes' above, please give your reason::

Background

6 Do you agree with the principles proposed for packaging EPR?

Yes

Please briefly state the reasons for your response. Specifically, if you respond No, please identify which principles you do not agree with and explain why.:

See the narrative accompanying this response

7 Do you agree with the outcomes that a packaging EPR should contribute to?

Yes

If you answered No, please state which outcomes you do not agree with.:

yes we agree. We also underline in the narrative accompanying this response that organic recycling has to be considered as an equivalent to mechanical recycling because under EU and UK law it is. A general failure to consider organic recycling as a valid alternative for hard to recycle packaging materials, has led to increased waste.

8 Do you think these types of items not currently legally considered as packaging should be in scope of the new packaging EPR system?

Yes

Please briefly state the reasons for your response and provide any information to support your view.:

The scope should include the widest possible definition of packaging and packaging waste. It is anachronistic to define a sandwich bag as "not packaging".

9 Which of these two classifications best fits with how your business categorises packaging?

Consumer-facing and distribution/transit

If neither, please say why, and provide a description of how your business categorises packaging:

Compostable packaging is a terminology which describes the materials used to make the packaging (predominantly plant based) and its end of life (to composting and spread to soil as compost). Therefore compostable packaging in theory can be found along the packaging value chain, but is primarily to be found in consumer facing applications.

Part A: 1. Full net cost recovery

10 Do you agree with our definition of full net cost recovery?

Yes

Please briefly state the reasons for your response and provide any information to support your view.:

We note however that calculating littering costs and clean ups is extraordinarily difficult. We believe that a nationwide DRS system for drinks containers will resolve many of the issues around littering and that further consultation is required on whether to consider littering as part of EPR costs.

11 Do you agree that producers should be required to fund the costs of collecting and managing household and household-like packaging waste? (i.e. all consumer facing packaging)

Yes

If No, please briefly state the reasons for your response and state what waste you think full net cost recovery should apply to.:

12 Do you agree that packaging for commercial/industrial applications should be out of scope for full net cost recovery?

No

If No, please briefly state the reasons for your response.:

What is the justification for excluding commercial and industrial applications ? It is packaging.

13 We would welcome your views on whether or not producers subject to any DRS should also be obligated a under a packaging EPR system for the same packaging items.

Yes they should

Please briefly state the reasons for your response.:

The two systems should go hand in hand. Across Europe where effective DRS systems work, the same producers also are obliged under EPR systems.

Part A: 2. Driving better design of packaging

14 Do you agree with the development of an 'approved list' of recyclable packaging to underpin the setting of either modulated fee rates or deposits?

No

Please briefly state the reasons for your response and provide any information to support your view.:

Compostable plastics should be included in the approved list for the reasons we cite in the narrative accompanying this response. They are briefly

1. the packaging item technically can be recycled in 52 IVC plants and 155 open windrow plants nationwide and would represent no more than 1.5% of the current treatment capacity of these plants.
2. can be collected and sorted for recycling at an acceptable cost because biowaste collections will be mandated across businesses and households by 2023 therefore compostable plastics can be collected with biowaste at no extra cost, either to collect or treat them
3. can be recycled back into a new product for which end markets exist and which is specifically compost certified to the PAS 100 standard.

15 Do you think the payment of modulated fees or the payment of deposits with the prospect of losing some or all of the deposit would be more effective in changing producers' choices towards the use of easy to recycle packaging?

Modulated fee

Please briefly state the reasons for your response and provide any information to support your view.:

The French Ecoimballage system has a modulated fee which works to disincentivise hard to recycle packaging materials. It is worthwhile emulating.

16 Do you think there could be any unintended consequences in terms of packaging design and use arising from:

Do you think there could be any unintended consequences in terms of packaging design and use arising from: - Modulated fees:

No

Do you think there could be any unintended consequences in terms of packaging design and use arising from: - Deposit (for recyclable packaging) and fee (for non-recyclable packaging):

I don't know / I don't have enough information

Please briefly state the reasons for your response and provide any information to support your view.:

17 Do you agree that the deposit approach should be designed to incentivise more closed loop recycling?

I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.:

Part A: 3. Obligated producers

18 What do you consider to be the most appropriate approach to a single point of compliance, the Brand-owner or the Seller approach?

I don't support moving to a single point of compliance

Please briefly state the reasons for your response and provide any information to support your view.:

The industries making compostable packaging are responsible companies and want to contribute payments into the EPR system to ensure funding is available to create the infrastructure needed to improve recycling across the UK. Our companies sell polymers for conversion into materials; materials for conversion into packaging; and packaging/products made from those materials. In other words our industries are to be found across the whole packaging value chain. In order to drive innovation and greater recyclability each part of that chain has to play a role and for this reason we believe there should be no single point of compliance but a shared system where all actors are obligated to contribute .

19 If a single point of compliance approach was adopted, do you think the de-minimis should be:

Don't know

Please briefly state the reasons for your response and provide any information to support your view.:

20 Should small cafés and restaurants selling takeaway food and drinks whose packaging is disposed 'on the go' be exempt from being obligated?

Yes

Please briefly state the reasons for your response and provide any information to support your view:

Yes - such small companies should have the packaging they buy already subjected to EPR contributions, ie when they purchase packaging the tax should have been paid.

21 If shared responsibility is retained, is Option A or Option B preferable for including smaller businesses or the packaging they handle in the system?

Option A (Lower or remove the de-minimis)

Please briefly state the reasons for your response and provide any information to support your view.:

910,000 small businesses producing packaging that are exempt from the payments of the cost of recovering and recycling such packaging would mean potentially hundreds of thousands of tonnes of packaging avoiding the levies. This would create an extra burden on who is obligated and is unfair.

22 If you have stated a preference for A, do you think the de-minimis threshold should:

Be removed entirely

Please briefly state the reasons for your response and provide any information to support your view.:

There is no case for any de-minimis exemptions. As proposed de minimis should be removed entirely and all businesses be in scope.

23 Overall, do you have a preference for maintaining a shared responsibility compliance approach, or moving to a single point of compliance?

Shared responsibility

Please briefly state the reasons for your response and provide any information to support your view.:

As explained in point 18 our industries are present throughout the value chain and if we are to drive reduction measures, innovative materials, increased recycling, we need to ensure all actors share the costs and responsibilities.

24 Do you have a preference for how small businesses could comply?

Pay a flat fee to include a contribution to a communications fund

Please briefly state the reasons for your response and provide any information to support your view.:

For the sake of simplicity in administering the contributions we recommend small businesses be defined as those operating below the VAT threshold. Small businesses should be given the option of paying an annual flat fee to include a contribution to communication with simplified administration or an allocation should they wish

25 Do you think that requiring operators of online marketplaces to take the legal responsibility for the packaging on products for which they facilitate the import would be effective in capturing more of the packaging that is brought into the UK through e-commerce sales?

Yes

Please briefly state the reasons for your response and provide any information to support your view.:

We support the inclusion of online marketplaces as packaging producers. Their inclusion increases the volume of packaging included in the system and helps to create a more level playing field. Being fully included is in harmony with the principle that everyone should play their part.

Part A: 4. Supporting improved collections and infrastructure

26 Do you agree that payments to local authorities for collecting and managing household packaging waste should be based on:

Do you agree payments to local authorities for collecting and managing household packaging waste should be based on: - provision of collection services that meet any minimum standard requirements (by nation):

Yes

Do you agree payments to local authorities for collecting and managing household packaging waste should be based on: - quantity and quality of target packaging materials collected for recycling:

Do you agree payments to local authorities for collecting and managing household packaging waste should be based on: - cost of managing household packaging waste in residual waste:

Please briefly state the reasons for your response and provide any information to support your view.:

With the same minimum standard applying across all 4 nations we can ensure the integrity and operability of a UK wide recycling labelling scheme.

However, local authorities must only be reimbursed when they reach agreed thresholds which maximise the capture of quality recyclates, reduce packaging in residual waste and drive higher efficiency. Payment should be linked to higher performance standards or incentives. If this was not the case there would be no incentive on Local Authorities to improve or even retain existing efficiencies and performance with the cost to producers potentially increasing over time.

27 Do you think we have considered all of the costs to local authorities of managing packaging waste?

No

Please briefly state the reasons for your response and provide any information to support your view.:

We need to consider the implications of revenue streams from the sale of materials as well as from DRS going to councils and calculate contribution net of these income streams.

28 Do you agree with our approach to making payments for the collection of household-like packaging waste for recycling?

No

Please briefly state the reasons for your response and provide any information to support your view.:

Businesses should have their waste managed by commercial contractors and therefore are outside of the local authorities costs and waste streams.

29 Should businesses producing household-like packaging receive a payment for the costs of household-like packaging waste in residual waste?

No

Please briefly state the reasons for your response and provide any information to support your view:

Businesses producing household-like packaging waste should continue to pay for its management under commercial arrangements irrespective of whether it is separate from or included in the residual waste stream. This cost should not be spread across the general producer community by being included in the definition of 'full net cost' just as the cost of managing commercial and industrial packaging is proposed to be excluded. The recycling of such household-like packaging should not qualify for payment but the actual recycling achieved should form part of calculations of target achievement.

30 Are there other factors, including unintended consequences that should be considered in determining payments to:

Local authorities? Please explain the reasons for your response and provide any information to support your view:

Payment to LAs should be closely linked to the quality of collections and the service providing, ie meeting the minimum collection service standards the Government propose in the consultation on consistency in collections.

For the collection and recycling of household-like packaging waste? Please explain the reasons for your response and provide any information to support your view:

We need to ensure businesses do not free ride on Local Authority collection systems to avoid their responsibilities and maintain collections through commercial contractual arrangements.

31 Do you have any information that would help us to establish the costs incurred by local authorities and other organisations of cleaning up littered and fly-tipped packaging items?

Please provide any information below:

We do not have any information or evidence regarding littering of compostable packaging materials.

32 How do you think producer fees could be used to improve the management of packaging waste generated on-the-go?

Please answer below:

On the go packaging is difficult to control once outside of the sale point. Producers putting such packaging onto the marketplace should be subjected to EPR contributions. It is unrealistic to believe we can recover much of the packaging from on the go consumption- most will be thrown into public bins and should be dealt with as residual waste and therefore EPR levies on these materials should be higher.

Single use packaging in closed loops, eg within buildings, public events, office blocks, stadia, hotels, are easier to control and high levels of purity can be achieved in the collection systems. The offices of DEFRA and the Houses of Parliament all have single use compostable disposable packaging which is easily and readily recycled in composting. Such materials should pay into the EPR with a lower fee.

33 Do you have any information that would help us to establish the costs of collection and disposal of increased on-the-go provision?

Please answer below:

no.

34 Do you agree that provision for the take back of single-use disposable cups for recycling should continue to be developed a voluntary basis by business prior to a government decision on whether disposable cups are included under an EPR scheme or DRS?

No

Please briefly state the reasons for your response and provide any information to support your view:

Voluntary schemes create an uneven playing field in which innovators are at a disadvantage and those who do not adhere have lower costs. Whilst we welcome voluntary schemes in principle, in practice there is little evidence of their effectiveness. On the go sellers of drinks in disposable cups should be obliged to take them back to destine them to recycling. In this case we would probably see a large drop in the volume of on the go packaging as vendors would try to sell drinks in reusable containers.

35 Do you think the recycling of single-use disposable cups would be better managed through a DRS or EPR scheme?

EPR

Please briefly state the reasons for your response and provide any information to support your view:

Cups come with lids and often with stirrers, although these will soon be banned.

They are dirty when contaminated with drinks either hot or cold. Putting them into a DRS machine would create a mess. Instead, having a bring back scheme with a separate bin in vendors shops paid for under a higher EPR contribution would help drive recycling.

36 Do you think a recycling target should be set for single-use disposable cups?

No

Please briefly state the reasons for your response and provide any information to support your view.:

Singling out cups is discriminatory as we would need recycling targets for every item. As packaging they come within the overall packaging recycling target.

Part A: 5. Helping consumers do the right thing – communications and labelling

37 Should producer fees be used to support local service related communications delivered by local authorities?

Yes

Please briefly state the reasons for your response. Where available, please share evidence to support your view.:

the BBIA and its members want to contribute to communications and help inform citizens of the correct ways to recycle compostable materials. A nationwide campaign is needed once collections consistency is in place. Localised leaflets are no longer an adequate solution on their own.

38 Should producer fees be used to support nationally-led communications campaigns in each nation?

Yes

Please briefly state the reasons for your response. Where available, please share evidence to support your view.:

39 Are there any circumstances where producers should be exempt from contributing to the cost of communications campaigns?

No

Please briefly state the reasons for your response. Where available, please share evidence to support your view.:

40 Do you agree it should be mandatory for producers to label their packaging as Recyclable/Not Recyclable?

Yes

Please briefly state the reasons for your response and provide any information to support your view.:

yes provided this includes organic recycling of compostable packaging through food waste collections once the collections consistency is in place.

41 Do you think that the percentage of recycled content should be stated on product packaging?

Yes

Please briefly state the reasons for your response and provide any information to support your view:

If the Government intends to introduce a Plastic Tax on plastic packaging with less than 30% recycled content, it is logically necessary to mark that content on a package. Whilst measuring such content is extremely difficult, an attempt must be made. For example, paper packaging is able to measure and demonstrate recycled content so measurement of plastic packaging needs to be obligated in the near future (by 2023 when the tax is applied). For compostable packaging test methods for renewable carbon content (from plants) is available at low cost and standards exist to measure renewable carbon C14, the BSEN16640.

42 If you responded yes to the previous question, how could recycled content information be provided to consumers?

Please describe briefly.:

For compostable packaging producers have no difficulty and long experience in measuring renewable carbon C14 content in the materials used for packaging and can state this on the package (made from 30% renewable materials for example).

43 Do you have any other proposals for a labelling system?

Please describe briefly.:

BBIA undertakes as a commitment to work with stakeholders and the Government to ensure clearly identifiable brandings and labelling is on the products made from compostable materials. We want this to be in place as soon as possible and in any case no later than 2023 across the UK. Clear marking to identify compostability and its route to recycling through biowaste collections will ensure low cross contamination with other plastics/package materials and higher rates of clean biowaste sent to organic recycling.

44 Do you have experience to suggest an appropriate lead-in time for businesses to incorporate any mandatory labelling requirements?

Please describe briefly.:

Latest 2023.

Part B: 6. Packaging waste recycling targets to 2030

45 In your view, are the estimates made in the Material Flow reports for packaging waste arisings the best available data?

I don't know / I don't have enough information

Please briefly state the reasons for your responses and provide any information to support your view.:

46 Are you aware of any other factors which may affect the estimates of packaging waste entering the waste stream?

I don't know / I don't have enough information

Please briefly state the reasons for your responses and provide any information to support your view.:

47 In your view, are there other factors which may affect the amounts of obligated tonnage reported?

Yes

Please briefly state the reasons for your responses and provide any information to support your view.:

A de minimus would imply that considerable volumes of packaging waste would go unreported. This is another reason to avoid having a de minimus and obliging all producers along the value chain.

48 Do you agree with the packaging waste recycling targets proposed for 2025?

I neither agree nor disagree

Please briefly state the reasons for your responses and provide any information to support your view:

Targets should agree with those established under the 2018 Packaging and Packaging Waste Directive which the Government will transpose into UK law later this year.

49 Do you agree with the packaging waste recycling targets proposed for 2030?

I neither agree nor disagree

Please briefly state the reasons for your responses and provide any information to support your view:

as above

50 Please provide your views on the policies and actions that could help us achieve an even higher overall packaging recycling rate, for example 75%, as well as your views on the costs associated with doing so.

Please answer below:

The answer to any high value recycling system is financial. By ensuring the EPR systems fully covers collections, recycling and responsible disposal, we should ensure enough funding is in the hands of local authorities, operators and processors to guarantee high recycling levels.

51 Do you foresee any issues with obtaining and managing nation specific data?

I don't know / I don't have enough information

Please briefly state the reasons for your responses and provide any information to support your view.:

52 Should a proportion of each material target be met by "closed loop" recycling, e.g. as is the case for glass recycling targets?

I don't know / I don't have enough information

Please briefly state the reasons for your responses and provide any information to support your view.:

In a globalised market a packaging could arrive from anywhere in the world. Privileging closed loop becomes somewhat problematic.

53 Should government set specific targets for individual formats of composite packaging?

Yes

If yes, what key categories of composite packaging should be considered?:

Under the guidelines from the Confederation of Paper Industries quoted in our narrative, any card/paper material with more than 3% of plastic content is hard to recycle and over 5% unacceptable to paper mills.

Therefore we should consider that any composite card/paper packaging containing more than 3% plastic should be considered as non recyclable and pay levies as such.

Modulated fees would incentivise design changes where practicable.

54 Do you agree with the proposed interim targets for 2021 and 2022 set out in Table 6?

I neither agree nor disagree

Please briefly state the reasons for your responses and provide any information to support your view.:

55 Do you agree with the proposal to increase the allocation method percentage to 35% for 2021 and 2022?

I neither agree nor disagree

Please briefly state the reasons for your responses and provide any information to support your view.:

Part C: 7. Governance Models

56 Overall, which governance model for packaging EPR do you prefer?

Model 4

Please briefly explain your preference.:

BBIA is not going to express itself on a single Governance model

57 If you had to modify any of the models in any way to make them better suited to achieve the principles and outcomes government has set for packaging EPR what changes would you suggest?

Please describe briefly.:

58 Do you have any concerns about the feasibility of implementing any of the proposed governance models?

No

If yes, please provide specific reasons and supporting information for each governance models that you have concerns about:

Many systems are in place across Europe, there are no particular difficulties in implementing our own.

59 Do you think that any of the governance models better enable a UK-wide approach to packaging producer responsibility to be maintained whilst respecting devolved responsibilities?

Please describe briefly.:

60 Stakeholders have suggested that a compliance fee mechanism similar to the arrangements currently in place under the WEEE producer responsibility scheme should be introduced if a competitive evidence market continues to operate such as in Model 1. Do you agree?

I don't know / I don't have enough information

Please briefly state the reasons for your response and provide any information to support your view.:

61 Should a Packaging Advisory Board be established to oversee the functioning of the EPR system and the compliance schemes in the competitive compliance scheme model 1 or do you think other arrangements should be put in place?

Other – please provide details

Please briefly state the reasons for your response and provide any information to support your view.:

Strong Government participation and involvement in the supervision of the implementation and governance of any future scheme is required to ensure there is no fraud, that innovation is rewarded and not held hostage by dominant stakeholders, that the system remains competitive and meets the recycling targets.

62 Please let us know your thoughts as to whether the proposed single management organisation should be established on a not-for-profit basis or as a government Arm's Length Organisation.

Please answer below:

63 If such a management organisation is established as not-for-profit, one option is for government to invite proposals from potential operators and then issue a licence to operate for a defined period of time. Do you agree with this approach?

Not Answered

If no, would you like to suggest an alternative approach?:

64 Should a single scheme be established for household/household-like packaging and C&I packaging as described for model 2?

I don't know / I don't have enough information

Please briefly state the reasons for your response and provide any information to support your view.:

65 Or, should there be a separate system for managing compliance for household/household-like packaging and C&I packaging as described for model 3?

Not Answered

If yes: could model 3 work as described? Or would additional mechanisms be required to make this approach work effectively? Please indicate what these might be.:

If no: do you have suggestions for an alternative approach?:

66 Under model 4 are producers more likely to:

Not Answered

Please briefly state the reasons for your response and provide any information to support your view.:

Part C: 8. Responsible management of packaging waste domestically and globally

67 Do you agree that government should seek to ensure export of packaging waste is undertaken in a transparent and environmentally responsible manner?

Yes

Please briefly state the reasons for your response and provide any information to support your view.:

We also now have to meet the requirements of the revised Basle Convention on Transboundary Transport of Hazardous Waste as it applies to plastic waste.

68 Do you agree that measures identified here would help ensure the export of packaging waste is undertaken in a transparent and environmentally responsible manner?

Yes

Please briefly state the reasons for your response and provide any information to support your view.:

69 Have we missed potential measures that you believe need to be considered alongside those measures we have proposed?

Yes

If yes, please explain which potential measures should be considered.:

Fraud constitutes a risk element in the waste industry as waste will always go to the lowest cost treatment method and place. Enhanced inspections at UK ports, in UK recycling plants, and above all enhanced penalties for fraud, will help reduce waste crimes.

70 Do you have any concerns about the feasibility and / or costs of implementing any of the proposed measures?

No

If yes, please provide specific reasons and supporting information for each measure that you have concerns about:

Part C: 9. A more transparent system

71 Do you agree that accredited reprocessors and exporters should be required to report their financial information?

Yes

Please briefly state the reasons for your response and provide any information to support your view. If you answered no, how would you suggest transparency is provided on how income from the sale of evidence has been used to support capacity building?:

This should be a mandatory condition of accreditation and is necessary to achieve the transparency required for industry to have confidence in the system that they are financing.

72 Should accredited reprocessors and exporters be required to generate evidence for every tonne of packaging waste that they process?

Yes

Please briefly state the reasons for your response and provide any information to support your view.:

This will provide the best data, avoids the potential for reprocessors and exporters to withhold information and is necessary to achieve the transparency that is required

73 Should accredited reprocessors and exporters be required to report on the packaging waste they handle monthly?

I don't know

Please briefly state the reasons for your response and provide any information to support your view.:

We have to harmonise reporting with the EU WFD obligations on reporting.

74 Do you think that any additional measures to those already described would be required to ensure transparent operating of the evidence market in model 4?

I don't know

If yes, please provide details:

75 Are there any additional requirements that should be placed on compliance schemes to ensure greater transparency of their operations and reporting?

Yes

If Yes, please briefly state the reasons for your response and provide any information to support your view.:

There should be an increased requirement on compliance schemes to report their use of producer funding in a transparent way, consistent with maintaining necessary commercial confidentiality. These requirements will need further work to develop the details. In addition, there should be a greater degree of strategic responsibility placed on schemes as part of the approval process and this should be effectively monitored by either the enforcement agencies or central body through measures such as annual Strategic Plans.

This should be done in addition to a greater requirement for similar increased levels of transparency in other sectors of the recycling chain including, for example, local authorities, waste management companies and reprocessors

76 Under a reformed system do you think compliance schemes should continue to be approved by the existing regulators or do you think a different approach is required?

Other

Please explain below:

Depending upon the governance model which the Government adopts, different approvals may be required.

77 Are there any additional requirements of a single producer organisation to ensure transparency of its operation and reporting?

I don't know

If yes, please briefly state the reasons for your response and provide any information to support your view.:

78 Do you think there is a need to make more information on packaging available to consumers?

Yes

Please briefly state the reasons for your response and provide any information to support your view.:

Yes, providing that all types of packaging have the same obligations otherwise there will be discriminatory levels of compliance and costs which could disadvantage one sector relative to others.

Part C: 10. Compliance monitoring and enforcement

79 Are there other datasets that will be required in order to monitor producers in any of the proposed models?

No

If yes please explain which datasets will be needed:

That seems sufficient.

80 Is there a specific material, packaging type or industry sector whereby producing accurate data is an issue?

No

If yes, please provide further information on where producing accurate data may be an issue. :

not enough information to answer

81 Do you think a single database, as opposed to the current range of methodologies available, would be an effective alternative?

No

Please briefly state the reasons for your response and provide any information to support your view.:

not enough information to respond

82 Do you agree that compliance schemes (models 1 and 3), the producer management organisation (model 2) or the scheme administrator (model 4) should be responsible for carrying out audits of producers, which should be reportable to the regulators?

I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.:

83 Do you support the broadening of legally enforceable notices to obtain required information?

I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.:

84 Are there other enforcement mechanisms that should be considered which would be timely and effective to bring producers into compliance, for example in relation to free riders?

Yes

If yes, please explain which other enforcement mechanisms should be considered:

We should ensure claims made regarding the performance of materials, such as their biodegradability, are supported by standards that are legally recognised in the UK and EU. Unsubstantiated claims for performance of packaging materials are widespread and need to be eliminated.

BBIA members undertake the commitment to ensure their products are correctly labelled as industrially compostable according the standard BSEN13432:2000.

No declarations regarding biodegradability of products should be permitted without adherence to this standard. Our narrative explains more.

85 Are there any further data that should be required to be collated / collected via compliance schemes or a single management organisation?

Please provide brief details.:

86 Do you think a penalty charge, as described, is the correct lever to ensure packaging recycling targets are met?

I don't know

Please briefly state the reasons for your response and provide any information to support your view.:

87 Should stakeholders other than reprocessors or exporters be able to issue evidence of recycling?

No

Please briefly state the reasons for your response and provide any information to support your view.:

Under the revised EU Waste Framework Directive which needs to be transposed into UK law this year, evidence of recycling is at the last point of treatment. It follows this cannot be a transfer or sorting station.

88 Are there any additional enforcement powers that should be applied to waste sorters, MRFs and transfer stations handling packaging waste?

No

Please briefly state the reasons for your response and provide any information to support your view.:

89 Do you agree with the proposed amendments to enforcement powers relating to reprocessors and exporters?

I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.:

90 Do you have any evidence to indicate that under any of the proposed governance models the likelihood of waste packaging being imported and claimed as UK packaging waste might increase?

No

If yes, please provide information on any evidence you have:

91 Is the current requirement for a sampling and inspection plan and subsequent auditing by the regulator sufficient to address any misclassification of imported packaging waste?

Yes

Please briefly state the reasons for your response and provide any information to support your view.:

not enough evidence to respond to the question

92 Are there other mechanisms that could be considered that would prevent imported UK packaging waste being claimed as UK packaging waste under the proposed governance models?

No

If yes, please explain which other mechanisms could prevent imported packaging waste being claimed as UK packaging waste:

we do not have enough evidence to respond to the question

11. Estimated costs and benefits

93 Do you have any additional data or information that will help us to further assess the costs and benefits (monetised or non-monetised) that these reforms will have?

Please answer below:

BBIA members are responsible companies wishing to contribute to the EPR system. We however want to ensure the payments are made for the intention of building waste infrastructure in the UK to manage these packaging wastes. Probably EPR payments alone will not be enough as the cost of building new plants for waste treatment will not be covered by these contributions.

We think therefore that in the transition to a new infrastructure over the next years will require funding, either public or private, and this will especially occur where current recycling levels are low- plastic packaging and food waste.

94 Do you have further comments on our impact assessment, including the evidence, data and assumptions used? Please be specific.

Please answer below:

12. Further comments

95 If you have any other views or evidence that you think we should be considering when reforming the packaging waste regulations, which you have not yet shared, please add them here.

Please answer below:

Please see the narrative sent by email